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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,167	05/03/2001	Gary D. Anderson	AUS820010128US1	7658
7590	04/13/2004		EXAMINER	
Frank C. Nicholas			CHU, GABRIEL L	
CARDINAL LAW GROUP				
1603 Orrington Avenue, Suite 2000			ART UNIT	PAPER NUMBER
Evanston, IL 60201			2114	2
DATE MAILED: 04/13/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/848,167	ANDERSON ET AL.
	Examiner	Art Unit
	Gabriel L. Chu	2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 May 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 2,3,7,8,10 and 11 is/are allowed.
- 6) Claim(s) 1, 4-6, 9, and 12-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) . Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 6 is objected to because of the following informalities: Referring to claim 6, "mean for receiving" is understood to refer to "means for receiving". Appropriate correction is required.

Double Patenting

2. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

3. Applicant is advised that should claims 12-16 be found allowable, claims 17-21 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim.

See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 4-6, 9, and 12-21 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6105150 to Noguchi et al. Referring to claims 1 and 9, Noguchi et al. disclose receiving a data signal indicative of an error that caused the operational failure of the computer (From line 31 of column 5, "For example, an exception process routine is activated (step 301), when an error is detected by the TCP/IP control unit 109. As a result, the TCP/IP control unit 109 sets the flag bits 6 and 1 in the control information management table 111 in the CPU 101 in the computer (step 302)."); searching an error table for a listing of an error type corresponding to the error indicated by the data signal (From line 55 of column 5, "Upon receipt of the above described dump collection command, the monitor 104 refers to the control information management table 111 (step 306), and determines whether or not the flag bits 6 and 1 are set in the table (step 307)."); and capturing the hardware scan dump data when the error type is listed on the error table (From line 59 of column 5, "When the monitor 104 determines that the flag bits 6 and 1 are set in the control information management table 111, it issues to the communications card 102 a dump collection command specifying the TCP/IP control unit 109. As a result, dump information, which is an execution image of the TCP/IP control unit 109 in the memory space assigned to the communications card 102, is collected and stored in a file system (not shown in FIG. 1) in the CPU 101 in the computer as a dump file, etc. (steps 307 and 308).").

Referring to claim 4, Noguchi et al. disclose a first module operable to receive a data signal indicative of an error that caused the operational failure of the computer (From line 31 of column 5, "For example, an exception process routine is activated (step 301), when an error is detected by the TCP/IP control unit 109. As a result, the TCP/IP control unit 109 sets the flag bits 6 and 1 in the control information management table 111 in the CPU 101 in the computer (step 302)."); a storage device storing an error table listing error types that can cause specific operational failures of the computer (From line 55 of column 5, "Upon receipt of the above described dump collection command, the monitor 104 refers to the control information management table 111 (step 306), and determines whether or not the flag bits 6 and 1 are set in the table (step 307)."); and a second module operable to capture the hardware scan dump when an error type corresponding to the error is listed on the error table (From line 59 of column 5, "When the monitor 104 determines that the flag bits 6 and 1 are set in the control information management table 111, it issues to the communications card 102 a dump collection command specifying the TCP/IP control unit 109. As a result, dump information, which is an execution image of the TCP/IP control unit 109 in the memory space assigned to the communications card 102, is collected and stored in a file system (not shown in FIG. 1) in the CPU 101 in the computer as a dump file, etc. (steps 307 and 308).").

Referring to claim 5, Noguchi et al. disclose said second module is operable to capture the hardware scan dump when an error type corresponding to the error is listed on the error table and said second module is in a reactive storing mode of operation

(From line 59 of column 5, "When the monitor 104 determines that the flag bits 6 and 1 are set in the control information management table 111, it issues to the communications card 102 a dump collection command specifying the TCP/IP control unit 109. As a result, dump information, which is an execution image of the TCP/IP control unit 109 in the memory space assigned to the communications card 102, is collected and stored in a file system (not shown in FIG. 1) in the CPU 101 in the computer as a dump file, etc. (steps 307 and 308)." Wherein the communications card reacts to the dump command.).

Referring to claim 6, Noguchi et al. disclose means for receiving a data signal indicative of an error that caused the operational failure of the computer (From line 31 of column 5, "For example, an exception process routine is activated (step 301), when an error is detected by the TCP/IP control unit 109. As a result, the TCP/IP control unit 109 sets the flag bits 6 and 1 in the control information management table 111 in the CPU 101 in the computer (step 302)."); means for searching an error table listing error types that can cause specific operational failures of the computer (From line 55 of column 5, "Upon receipt of the above described dump collection command, the monitor 104 refers to the control information management table 111 (step 306), and determines whether or not the flag bits 6 and 1 are set in the table (step 307)."); and means for capturing the hardware scan dump when an error type corresponding to the error is listed on the error table (From line 59 of column 5, "When the monitor 104 determines that the flag bits 6 and 1 are set in the control information management table 111, it issues to the communications card 102 a dump collection command specifying the TCP/IP control

unit 109. As a result, dump information, which is an execution image of the TCP/IP control unit 109 in the memory space assigned to the communications card 102, is collected and stored in a file system (not shown in FIG. 1) in the CPU 101 in the computer as a dump file, etc. (steps 307 and 308).").

Referring to claims 12 and 17, Noguchi et al. disclose a hardware component operable to provide a data signal indicative of an error causing an operational failure of said hardware component (From line 31 of column 5, "For example, an exception process routine is activated (step 301), when an error is detected by the TCP/IP control unit 109. As a result, the TCP/IP control unit 109 sets the flag bits 6 and 1 in the control information management table 111 in the CPU 101 in the computer (step 302)."); and a service processor storing an error table listing error types that can cause specific operational failures of said hardware component (From line 55 of column 5, "Upon receipt of the above described dump collection command, the monitor 104 refers to the control information management table 111 (step 306), and determines whether or not the flag bits 6 and 1 are set in the table (step 307)."), wherein, in response to a reception of said data signal, said service processor is operable to capture hardware scan dump data related to the operational failure when an error type corresponding to the error is listed on the error table (From line 59 of column 5, "When the monitor 104 determines that the flag bits 6 and 1 are set in the control information management table 111, it issues to the communications card 102 a dump collection command specifying the TCP/IP control unit 109. As a result, dump information, which is an execution image of the TCP/IP control unit 109 in the memory space assigned to the

communications card 102, is collected and stored in a file system (not shown in FIG. 1) in the CPU 101 in the computer as a dump file, etc. (steps 307 and 308).").

Referring to claims 13 and 18, Noguchi et al. disclose said hardware component is a central processing unit (From figure 1, element 101.).

Referring to claims 14 and 19, Noguchi et al. disclose said hardware component is a system memory (From figure 1, element 101, wherein a CPU comprises memory. Further, from line 62 of column 5, "As a result, dump information, which is an execution image of the TCP/IP control unit 109 in the memory space assigned to the communications card 102, is collected and stored in a file system (not shown in FIG. 1) in the CPU 101 in the computer as a dump file, etc. (steps 307 and 308).").

Referring to claims 15 and 20, Noguchi et al. disclose said hardware component is a controller (From figure 1, elements 107-110.).

Referring to claims 16 and 21, Noguchi et al. disclose in response to a reception of said data signal, said service processor is operable to capture hardware scan dump data related to the operational failure when an error type corresponding to the error is listed on the error table and said service processor is in a reactive storing mode of operation (From line 59 of column 5, "When the monitor 104 determines that the flag bits 6 and 1 are set in the control information management table 111, it issues to the communications card 102 a dump collection command specifying the TCP/IP control unit 109. As a result, dump information, which is an execution image of the TCP/IP control unit 109 in the memory space assigned to the communications card 102, is collected and stored in a file system (not shown in FIG. 1) in the CPU 101 in the

computer as a dump file, etc. (steps 307 and 308)." Wherein the communications card reacts to the dump command.).

Allowable Subject Matter

6. Claims 2, 3, 7, 8, 10, and 11 are allowed.
7. The following is an examiner's statement of reasons for allowance: Referring to claims 2, 3, 7, 8, 10, and 11, the prior art does not teach or fairly suggest determining a storing mode of operation of the service processor among an active storing mode of operation, an inactive storing mode of operation, and a reactive storing mode of operation, in the scope and context of claims 2, 7, and 10.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5119377 to Cobb et al.

US 5533193 to Roscoe, from the abstract, "selectively setting the control to respond to the occurrence of a given machine fault or event, monitoring the operation of the machine for the occurrence of the given machine event, and initiating the transfer of the data in the buffer to a nonvolatile memory."

US 6182243 to Berthe et al.

US 6708291 to Kidder

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel L. Chu whose telephone number is (703) 308-7298. The examiner can normally be reached on weekdays between 8:30 AM and 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W. Beausoliel, Jr. can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gc



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PRIMARY EXAMINER